

#517
BILL NO. Z-92-0704

ZONING MAP ORDINANCE NO. Z-Withdrawn

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. O-22.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby
designated an R-3 (Multi-Family Residential) District under
the terms of Chapter 33 of the Code of the City of Fort Wayne,
Indiana of 1974:

East 150 feet of Lots Numbered 2 and 3 in Maplevue
Addition to the City of Fort Wayne, as recorded in Plat
Record 7, Page 22,

and the symbols of the City of Fort Wayne Zoning Map No. O-22,
as established by Section 11 of Chapter 33 of the Code of the
City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Mark C. G. Luntz
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCauley
J. TIMOTHY MCCAULEY, CITY ATTORNEY

Read the first time in full and on motion by Edmonds,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne,, Indiana, on _____, the _____ day of
_____, 19_____, at _____ o'clock
_____, M., E.S.T.

DATED: 7-14-92 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES				
BRADBURY				
EDMONDS				
GiaQUINTA				
HENRY				
LONG				
LUNSEY				
RAVINE				
SCHMIDT				
TALARICO				

DATED: _____
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19____

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____,
at the hour of _____ o'clock _____, M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

CK 72828

No 10919

COMMUNITY & ECONOMIC DEVELOPMENT

Ft. WAYNE, IND., June 18 19 92

RECEIVED FROM

Professional Federal Credit Union

\$ 100.00

THE SUM OF

One Hundred and no/100's

100

DOLLARS

ON ACCOUNT OF

Regain 3422 & 24 Addison Ave

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

W. E. [Signature]

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

XXWe Professional Federal Credit Union
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an R-3 District the property described as follows:

East 150 feet of Lots numbered 2 and 3 in Maplevue Addition to the City of Fort Wayne,
as recorded in Plat Record 7, Page 22.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 3422 & 3424 Addison Avenue
Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Professional Federal Credit Union</u>	<u>1710 St. Joe River Dr.</u>	<u>Professional Federal</u>
	<u>Fort Wayne, IN 46805</u>	<u>Credit Union</u>
		By: <u>Barbara A. Berghoff</u>
		<u>Its SR. Vice Pres</u>
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.
John J. Wernet 1400 One Summit Square (219) 423-9411
MILLER CARSON & BOXBERGER Fort Wayne, IN 46802 (Telephone Number)
(Name) (Address & Zip Code)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana July 14, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-92-07-04; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 20, 1992.

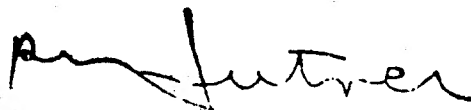
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual an unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 27, 1992.

Certified and signed this
28th day of July 1992.



Robert Hutner
Secretary

MILFORD M. (TIM) MILLER
PHILIP L. CARSON
BRUCE O. BOXBERGER
THOMAS W. YODER
CHARLES R. COGDELL
EDWARD L. MURPHY, JR.
GRANT F. SHIPLEY
JOHN J. WERNET
RICHARD P. SAMEK
T. DEAN SWIHART
PHILLIP A. RENZ
EDWARD J. LIPTAK
ROBERT T. KEEN, JR.
LARRY L. BARNARD
EDMUND P. KOS
DIANA C. BAUER
ARTHUR E. MANDELBAUM
DOUGLAS A. HOFFMAN
DANIEL G. McNAMARA
JOHN C. DRIER
MARK E. WITMER

MILLER CARSON & BOXBERGER
ATTORNEYS AT LAW
1400 ONE SUMMIT SQUARE
FORT WAYNE, INDIANA 46802-3173
FAX (219) 423-4329
(219) 423-9411

BLOOMINGTON OFFICE
3100 JOHN HINKLE PLACE
SUITE 106
BLOOMINGTON, INDIANA 47408
FAX (812) 333-1925
(812) 333-1225

August 3, 1992

City of Fort Wayne Common Council
Attention: Cletus Edmonds, Chairman
Regulations Committee
c/o Sandra Kennedy, City Clerk
City-County Building
Fort Wayne, Indiana 46802

Re: Ordinance Z-92-0704
Change of Zone from R-1 to R-3
3422 and 3424 Addison Avenue
Fort Wayne, Indiana, on behalf of
Professional Federal Credit Union

Dear Mr. Edmonds:

As attorney for the Petitioner, Professional Federal Credit Union, please accept this letter as our request to withdraw Ordinance Z-92-0704 from consideration.

If you have any questions, please feel free to contact the undersigned.

Very truly yours,

MILLER CARSON & BOXBERGER


John J. Wernet, Esq.

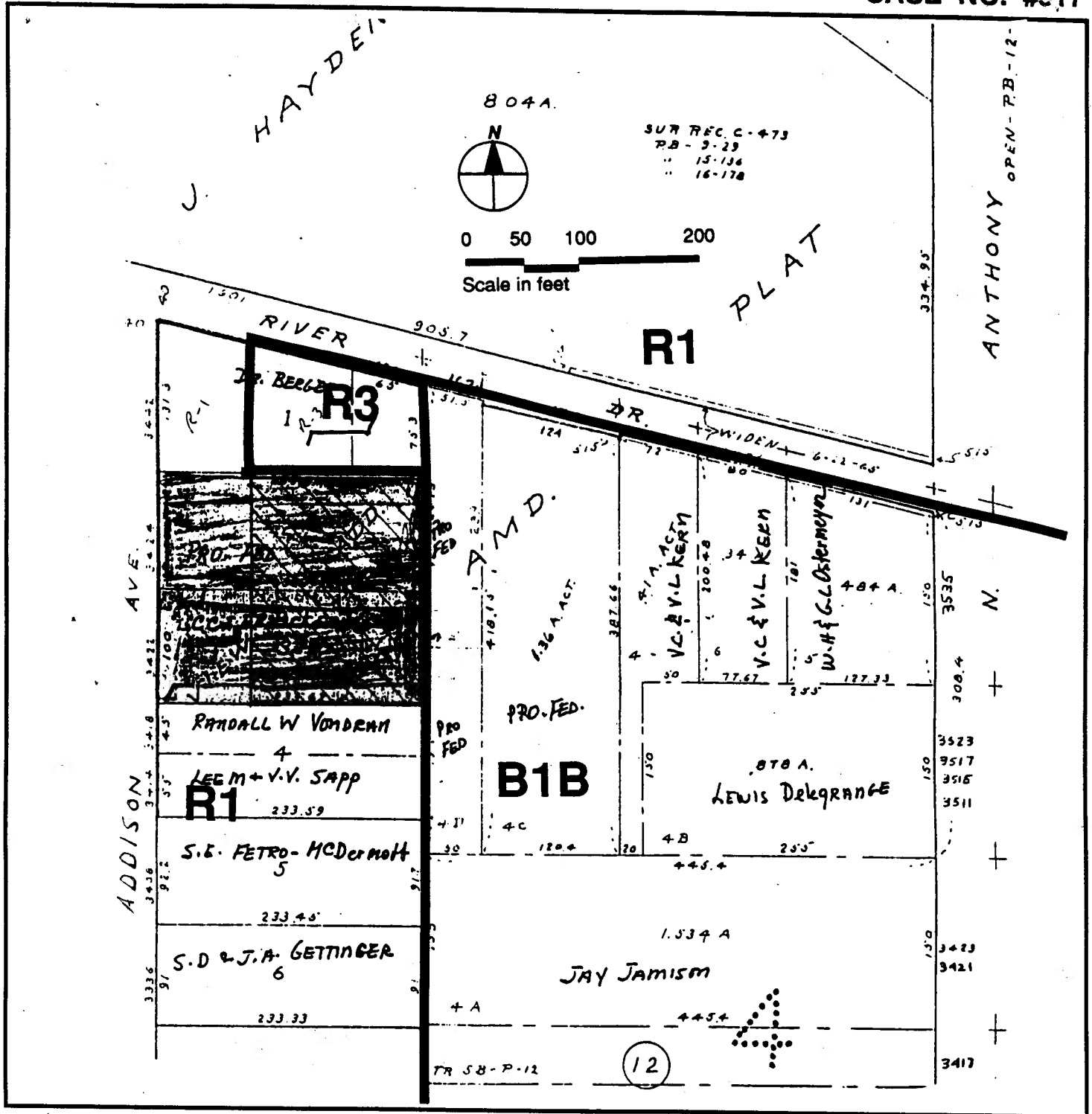
JJW:ls

cc: Professional Federal Credit Union
City of Fort Wayne Plan Commission
Mr. Kevin York
Mr. Ray Racine

REZONING PETITION

AREA MAP

CASE NO. #517



COUNCILMANIC DISTRICT NO. 2

Map No. O-22
LW 6-22-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Map Amendment

From R-1 to R-3

DETAILS

Specific Location and/or Address

3422 & 3424 Addison Avenue

Reason for Project

Future expansion of the Professional Federal Credit Union at 1710 St Joe River Dr.

Discussion (Including relationship to other Council actions)

20 July 1992 - Public Hearing

See Attached Minutes of Meeting

27 July 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)
Professional Federal Credit Union
City Department

Other

Opponents

Groups or Individuals

See Attached Minutes

Basis of Opposition

-would cause a traffic hazard by increasing traffic in area
-devalue property in area

Staff
Recommendation☐ For☒ Against

Reason Against

Board or
Commission
Recommendation

By

☐ For☒ Against☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Reviewed by *[Signature]* Date 28 July 1992

Reference or Case Number

Bill No. Z-92-07-04 - Change of Zone #517
From R-1 to R-3
3422 & 3424 Addison Avenue

Yvonne Stam deferred from participation in this case's public hearing and abstained from the consideration of the case. She then retired the chair to Robert Hutner, the Secretary of the Plan Commission.

John Wernet, attorney for the petitioners the Professional Federal Credit Union appeared before the Commission. He stated that the petitioner has its office at 1710 St Joe River Drive. He stated that they are seeking to rezone Lots 2, 3 in the Maplevue Addition in the city of Fort Wayne, the property is located immediately to the west of the present office. The common address on the property is 3422 & 3424 Addison Avenue. He stated the area immediately to the north of the area requested to be rezoned is R-3 and being used as a dentist's office. He stated that currently 3424 Addison Street is owned by and being used by the Credit Union for parking under a BZA contingent use for parking. He stated that they have future plans to expand the credit union onto lots 2 & 3, the east 150 feet of those lots. He stated that both of the lots are 233 feet deep, so there would remain 83' x 100' sections that would remain R-1 even after the rezoning. He stated that this would allow for a buffer area and it would also provide that there would be nothing for 83 feet from the R-3 zone to Addison Street. He stated that the credit union would like to have B1B zoning, which is what the zoning is to the right, because the R-3 zoning will still require Board of Zoning Appeals approval for an office. He stated that this is a several step process. He stated the credit union has no immediate plans for the property, other than they will need to expand. He stated the parking on Lot #2 has a fence around it which was put there at the request of the city and they are willing to buffer with landscaping the area around the property to be rezoned. He stated that the staff recommendation of do not pass states that this request is not consistent with the goals and objectives of the Comprehensive Plan for the area. He stated that this area is in the Middle Ring. He stated that the Middle Ring as far as commercial and industrial is concerned is to maintain stable, commercial and industrial districts, and it is there position that this will maintain the area by not requiring any expansion of the credit union to become to dense. He stated in addition there is precedent for the R-3 as the dentist office to the north is R-3 and this would be an extension of that R-3 for 200 addition feet to the south of that area. He stated that he believed that the credit union addition would not infringe seriously in the R-1 zoning along Addison Avenue.

Bob Hutner asked if this would be a continuation of the same building.

Mr. Wernet stated that given there access, they have a driveway which goes along the west property line of the B1B, it would be an expansion of the building, but would probably not be on the ground

floor. He stated they would probably build a second floor walkway connecting the buildings.

The following people spoke in opposition to the proposed rezoning:

Kevin York, 3435 Addison Avenue
Ross Eagleton, 3004 Parnell Av
Barb Blauvelt, 3411 Addison Av
Ray Racine, 2410 Bolton Av, with Northside Neighborhood Association
William Coburn, 1550 St Joe River Dr
James Shearer, 3405 Addison Av
Richard Failor, 3335 River Forest Dr

Mr. York presented the Commission with a petition~~er~~ containing 108 signatures in opposition to the proposed rezoning.

The opposition stated that they were opposed to the rezoning for the following reasons:

- increased traffic would cause a serious hazard to the residents and their children
- this rezoning would devalue the properties in the area
- they were concerned that even though they are not rezoning all of the way up to Addison Avenue, the Credit Union would request a curb cut onto Addison
- the Credit Union is violating the current B1B zoning by leasing and selling cars from there existing property
- the Credit Union is using the garage at 3422 Addison Avenue for storage of office equipment from the Credit Union
- this rezoning would have a corrosive effect on the whole neighborhood

In rebuttal John Wernet stated that they have no intention to request an access onto Addison Avenue. He also stated that he was not an expert on property values, and felt it would be impossible to state whether the extension of the credit union onto these two lots would cause a drop in property values in the area. He stated he was unaware of the credit union using a part of there current property for a car lot, but he would check into it and get back to the Commission.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

517.

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 3422 & 3424 Addison Avenue

2-92-07-04

EFFECT OF PASSAGE Property is currently zoned R-1 - Single Family Residential. Property will become R-3 - Multi-Family Residential.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

With drawn

CLETUS R. EDMONDS, CHAIR
MARK E. GIAQUINTA, VICE CHAIR
RAVINE, SCHMIDT

[illegible][illegible]

DATED: 8-11-52.

Sandra E. Kennedy
City Clerk